

Notice of Allowability

Application No.

10/587,991

Examiner

ROBERT R. RAINEY

Applicant(s)

FOXENLAND, ERAL

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/29/2010.
2. ☒ The allowed claim(s) is/are 1-5,7-22,24-35,37 and 38 now renumbered 1-4,7,9-12,5,8,6,13-20,23,25-28,21,24,22 and 29-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20100521</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with D. Scott Moore on 5/21/10.

The application has been amended as follows:

In the claims

31. (Currently amended) A computer program product loadable in a device and comprising a computer readable medium having computer readable program code stored thereon for implementing a game module when the computer readable program code is run on the device, the game module ~~A game module loadable into a device~~ ~~the device~~ comprising a user interface, a control unit for controlling operations of the device including changeable parameters of the user interface, and a game platform for receiving and running a game associated with said game module, further comprising game related data comprising the changeable parameters of the user interface associated with operation of the device within a game session, wherein the game module comprises:

transmission means for transmitting game related data from the game to the control unit; and

means for causing the control unit to change parameters of the user interface associated with operation of the device outside the game session whenever the parameters of the user interface associated with operation of the device within the game session change based on events occurring in the game.

32. (Currently amended) ~~A-game module~~ computer program product according to claim 31, wherein themes with changeable parameters are ~~is~~ defined for the user interface and at least one of the themes is associated with the game.

33. (Currently amended) ~~A-game module~~ computer program product according to claim 32, wherein different parameters of one of the themes are associated with different levels of the game.

34. (Currently amended) ~~A-game module~~ computer program product according to claim 32, wherein at least one of the themes is associated with each level of the game.

35. (Currently amended) ~~A-game module~~ computer program product according to claim 31, wherein different parameters are associated with different scores of the game.

Art Unit: 2629

37. (Currently amended) ~~A-game module~~ computer program product according to claim 31, wherein the game module is configured to command a change of parameters of the user interface when the game is interrupted.

38. (Currently amended) ~~A-game module~~ computer program product according to claim 31, wherein said theme includes a set of: picture settings comprising picture parameters such as colour, contrast, light intensity; picture objects; animation effects and bitmap shapes; sound settings comprising sound parameters; sound objects; vibration settings comprising vibration parameters, said theme being associated with operations of the device.

39. (Canceled)

40. (Canceled)

Allowable Subject Matter

2. Claim 1-5,7-22,24-35,37 and 38 now renumbered 1-4,7,9-12,5,8,6,13-20,23,25-28,21,24,22 and 29-35 allowed.

Art Unit: 2629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT R. RAINEY whose telephone number is (571)270-3313. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RR/

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629